

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELMER JAMES BURNETT,

Petitioner,

v.

SHERRY BURT,
MORGAN

CASE NO. 2:06-cv-15214
HONORABLE JOHN CORBETT O'MEARA
MAGISTRATE JUDGE VIRGINIA A.

Respondent.

**ORDER EXTENDING THE TIME TO COMPLY
WITH THE COURT'S ORDER TO SHOW CAUSE**

This case was opened on November 22, 2006, when Petitioner filed an application to proceed *in forma pauperis* and a request for permission to file a delayed petition for the writ of habeas corpus. On December 11, 2006, the Court granted leave to proceed *in forma pauperis* and leave to file a delayed petition for the writ of habeas corpus. The Court ordered Petitioner to file his habeas corpus petition within twenty-one (21) days of the date of the Court's order. The Court stated, however, that a decision on the timeliness of the habeas petition would have to be made by United States District Judge John Corbertt O'Meara.

The Court did not hear from Petitioner and, on May 16, 2007, the Court ordered Petitioner to show cause within **twenty-one (21) days** why his case should not be dismissed for failure to prosecute. Petitioner has responded that he never received the order granting him leave to proceed *in forma pauperis* and directing him to file his habeas petition.

In light of Petitioner's lack of notice of the December 11, 2006 order, the Court is extending the time for complying with the show-cause order. The Clerk of Court shall mail

Petitioner a copy of the Court's December 11, 2006, order, and Petitioner shall submit his habeas corpus petition within twenty-one days of the date of this order. Although Petitioner attached a habeas petition to his response to the order to show cause, *see* Doc. 6, May 31, 2007, the habeas petition is unsigned, and neither the District Judge's name, nor this Court's case number are included in the caption, as required by Local Rule 5.1(a).

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 11, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 11, 2007.

S/G. Wilson
Judicial Assistant